

**ORDINANCE NO. 2021-05**

**ORDINANCE ADDING CHAPTER 340 TO THE CODE OF THE BOROUGH OF MOUNT EPHRAIM ENTITLED “SMOKING AND VAPING ON PUBLIC PROPERTY”**

**WHEREAS** the Borough of Mount Ephraim (the “Borough”) is a municipal corporation organized and operating under the laws of the State of New Jersey; and

**WHEREAS** the laws of the State of New Jersey prohibit the use of tobacco in all public schools, public school grounds, and public buildings, recognizing the dangers of the use of tobacco including secondhand smoke; and

**WHEREAS** New Jersey has recently adopted legislation to legalize the recreational use of cannabis within the State; and

**WHEREAS** the Governing Body of the Borough has determined that it would be appropriate to establish similar policies and procedures for the use of Borough-owned buildings with respect to the “smoking” and/or “vaping” of cannabis/marijuana or any other substance; and

**WHEREAS** pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Commissioners of the Borough of Mount Ephraim that the Code of the Borough of Mount Ephraim that Chapter 340, entitled “Smoking and Vaping on Public Property” is hereby added to the Borough Code as follows:

**SECTION 1.** The Code of the Borough of Mount Ephraim is hereby amended, revised, and supplemented to establish Chapter 340, entitled “Smoking and Vaping on Public Property”, which shall provide as follows:

**Chapter 340 – SMOKING AND VAPING ON PUBLIC PROPERTY**

**340-1. Definitions**

Whenever used in this Ordinance, the following words shall have the following meanings:

- A. “Smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, cigarillo or pipe or any other matter or substances which contains tobacco, cannabis/marijuana, or any other substance.
- B. “Electronic Smoking Device” means a device that can be used to deliver nicotine, cannabis/marijuana, or any other substance to the person inhaling the device, including, but not limited to, an electronic cigarette, cigar, cigarillo or pipe.
- C. “Vaping” means the burning of, inhaling from, exhaling the smoke from an Electronic Smoking Device.

**340-2. Prohibited Activity**

- A. No person shall engage in Smoking or Vaping on any property owned or controlled by the Borough of Mount Ephraim.
- B. No person shall engage in Smoking or Vaping in any public park, ballfield, playground, courts, trails, or grounds, including sidewalks immediately adjacent to said property.
- C. No person shall engage in Smoking or Vaping on or in any public, elementary school or school property, regardless of whether the area is an indoor public place or outdoor public place, including sidewalks immediately adjacent to said property.
- D. No person shall engage in Smoking or Vaping in any public building or facility in the Borough of Mount Ephraim.

**340-3. Penalties**

Any person convicted of violating any provision of this chapter shall be subject to a fine as follows:

- A. A fine of no less than two hundred and fifty dollars (\$250.00) for the first offense.
- B. A fine of no less than five hundred dollars (\$500.00) for the second offense.
- C. A fine of no less than one thousand dollars (\$1,000.00) for the third offense and all subsequent offenses.

**SECTION 2.** Except as set forth in Section 1 above, the balance of the Code of the Borough of Mount Ephraim shall not be affected by this Ordinance.

**SECTION 3.** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION 4.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon posting, publication, and final passage in the manner prescribed by law.

Introduced: April 1, 2021  
Adopted: May 6, 2021

By: \_\_\_\_\_  
Mayor Michael Tovinsky

Attest: \_\_\_\_\_  
Terry Shannon, Borough Clerk